

**REMARKS**

Claims 1-17 have been examined. New claims 18-23 have been added to further describe the patentable features of the present invention.

**I. Rejection under 35 U.S.C. § 102**

Claims 1, 3-5, 7, 9, 10, 13 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ito et al. (US Pub. No. 2002/0004415). Applicant traverses this rejection.

**A. Claim 1**

Claim 1, as amended, recites:

An information communication terminal with a TV telephone function, comprising:  
a display data generating section which generates first display data in a general use mode in which a TV telephone function is not used;  
a TV telephone processing section which generates second display data in a TV telephone use mode in which the TV telephone function is used;  
a display unit which displays inputted display data;  
a first switch provided among said display data generating section, said TV telephone processing section and said display unit; and  
a control section which controls said first switch to connect said display data generating section and said display unit in said general use mode such that said first display data is supplied to said display unit and to connect said TV telephone processing section and said display unit in said TV telephone use mode such that said second display data is supplied to said display unit,  
wherein the TV telephone use mode is enabled when image data is transmitted and received together with a communication sound, and the second display data includes a motion image which is always displayed when the TV telephone mode is enabled.

The Examiner asserts in the Advisory Action<sup>1</sup> that Ito clearly teaches a display data generating section in which a TV telephone function is not used (switch 6 in the OFF position

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<sup>1</sup> See second paragraph under continuation of 11 on page 2 of the Advisory Action.

displays stored images not currently received images) and a TV telephone function (switch 6 in the ON position displays received images). However, according to Ito, the “modes” of switch 6 correspond to a state when a video phone call is being executed (paragraphs 40, 43, and 46-48). That is, received image data (i.e., motion image data) is first displayed for a predetermined period after the start of a video phone call. During this time, switch 6 is ON. After the predetermined time elapses, a still image stored in memory 4 is displayed for the remainder of the video phone call. Thus, Ito teaches that both received image data and still image data are displayed during a video phone call (i.e., during a sound communication).

However, Ito does not teach or suggest that “the TV telephone use mode is enabled when image data is transmitted and received together with a communication sound, and the second display data includes a motion image which is always displayed when the TV telephone mode is enabled,” as recited in claim 1. That is, Ito does not teach or suggest that a motion image is always displayed during the TV telephone use mode which is enabled when image data is transmitted and received together with a communication sound. For example, Ito clearly teaches that still image data is displayed in a video phone call after a predetermined time period.

Therefore, Ito fails to disclose each and every feature of claim 1 and should be patentable for at least this reason.

**B. Claim 3**

Claim 3 recites, *inter alia*, “a combining circuit which reads out said converted display data, said expanded motion picture display data and said converted motion picture display data from said first memory to combine into said second display data, and outputs said second display

data to said first switch.” The Examiner asserts that paragraphs 43, 47 and 48 of Ito clearly teaches creating or synthesizing an image from data stored in memory 4. In particular, the Examiner asserts that the still image stored in memory 4 reads on the claimed converted display data. The Examiner also asserts that video data decoded in decoding section 8 reads on the claimed expanded motion picture display data. Furthermore, the Examiner asserts that video data from camera 10 encoded in encoding section 9 reads on the claimed converted motion picture display data.

The Examiner, however, appears to be ignoring features of the claimed invention. For example, claim 3 recites the combining circuit which reads out said converted display data, said expanded motion picture display data and said converted motion picture display data from said first memory to combine into said second display data. That is, the three data types are read out by the combining circuit and are combined into the second display data. Ito does not disclose combining the still image, the decoded video data and the encoded video data to generate display data.

For example, during a videophone call, a (video) image signal is received, decoded and displayed. In order to reduce consumption of the battery, decoding is stopped and a still image stored in memory 4 is displayed on the display after a predetermined time period elapses, albeit the videophone call is still in session (paragraph 43). Thus, Ito discloses switching between displaying the decoded video data and the still image during a videophone call (paragraph 47). Therefore, the still image and the decoded image are never combined into (second) display data,

which is output to the first switch. Furthermore, the still image is never output to switch 6, the alleged first switch.

Similarly, a person of ordinary skill in the art would not combine the decoded video data and the encoded video data into the second display data. In particular, encoding section 9 encodes the image signal of a camera 10 into a digital image signal containing image data (paragraph 42). Thereafter, the decoding section 8 decodes the digital image signal into an analog image signal to be displayed on the display screen 11 (paragraph 41 and Fig. 2). Therefore, the encoded video data is at best transformed into the decoded video data by the decoding section 8. However, the encoded video data and the decoded video data are not combined into the second display data. Moreover, the still image, the encoded video data and the decoded video data are not combined into the second display data, as recited by claim 3.

In view of the above, Ito fails to disclose each and every feature of claim 3. Claim 3 should be patentable for at least this reason.

### **C. Remaining claims**

Claims 7 and 9 include analogous, though not necessarily coextensive features in conjunction with claims 1 and 3, respectively. Therefore, claims 7 and 9 are also patentable for the reason discussed above.

Claims 4, 5, 10, 13 and 16 are patentable at least by virtue of their dependencies.

## **II. Rejections under 35 U.S.C. § 103**

### **A. Claims 2, 6, 8, 11, 14 and 17**

Claims 2, 6, 8, 11, 14 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito in view of Sawachi (US Pub. No. 2003/0011704). However, Sawachi does not correct the deficiencies of Ito with respect to claims 1, 3, 7 and 9. Therefore, claims 2, 6, 8, 11, 14 and 17 should be patentable at least by virtue of their respective dependencies.

### **B. Claims 12 and 15**

Claims 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Yap et al. (US Pub. No. 2003/0043260). However, Yap does not correct the deficiencies of Ito with respect to claims 1, 3, 7 and 9. Therefore, claims 12 and 15 should be patentable at least by virtue of their respective dependencies.

## **III. New claims**

By this Amendment, Applicants have added new claims 18-23 to further define the claimed invention. Applicants respectfully submit claims 18-23 recite additional features which are not taught or suggested by the prior art of record.

## **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/706,989

Attorney Docket No.: Q78463

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan F. Heavener", is written over a horizontal line.

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